IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

-

WRIT PETITION NO : 15667 of 2000

Between:

M/s. Bhagya Laxmi Industries, Rep. by its Partner Mr. E. Nageshwar Rao, S/o. Bikshapathi
R/o. Kesamudram (V&M), Warangal Dist.

..... PETITIONER

AND

1 The Divisional Enginer, Elecl., (Operation),
Mahabubabad, Warangal Dist.
2 The Superintending Engineer, Electrical, (Operation),
Warangal, Warangal Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a Writ, order or direction, more particularly one in the nature of WRIT OF MANDAMUS by declaring the action of the Respondent No.1 in issuing the impugned proceedings vide Lr. No.DEE/OP/M'bad/AE/Techl/F.BB/D.No.231/ dated 28.5.2000 is as illegal, arbitrary, violation of principles of natural justice, without jurisdiction and null and vide and consequently direct the respondents not to interfere with the supply of the petitioner service connection No.865 and pass

Counsel for the Petitioner: MR. V.MADHUSUDANA RAO

Counsel for Respondents: MR. J.SIDDAIAH

The Court made the following :

ORDER:

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This writ petition is filed questioning the proceedings of the first respondent issued in Letter No.DEE/OP/M'bad/AE/Tech1/F.BB/ D.No.231 dated 28-05-2000 demanding an amount of Rs.40,160/- from the petitioner consequent to final assessment with regard to Service Connection bearing No.865 L.T. Category III, Kesamudram Village and Mandal, Warangal District.

The impugned demand is made with reference to the inspection made by the Assistant Divisional Engineer on 27-05-1999 on the ground that one of the phases in the petitioner-Industry was not working and also on the ground that meter was slow by 20.1% when it was checked by Accu.check. At the stage of admission of this writ petition, this Court granted interim orders in W.P.M.P. No.19892 of 2000, dated 04-09-2000, directing the respondents not to disconnect power supply of the petitioner S.C. No.865, subject to the condition of the petitioner depositing half of the demanded amount in three weeks.

It is submitted by the learned Counsel appearing for the petitioner that when the allegations are denied, it is obligatory on the part of the respondents to refer the matter to electrical inspection. Without referring the same, the impugned order is passed.

But, however, it is to be seen, the contract of service is governed by the provisions of terms and conditions of supply framed under the Electricity (Supply) Act, 1948. As per Clause 39.10 of the terms and conditions, appeal is provided to the designated appellate authority as against the orders of the final assessing authority. In this case, the petitioner has questioned the final assessment proceedings of the respondents.

Having regard to the nature of dispute, it is evidently a fit case for adjudication by the appellate authority. As much as the interim orders are passed conditionally on paying 50% of the demanded amount and also on the ground that no counter affidavit is filed on behalf of respondents though the writ petition is of the year 2000, I dispose of the writ petition permitting the petitioner to prefer appeal against the orders of the first respondent dated 28-05-2000 to the designated appellate authority within a period of six weeks from the date of receipt of a copy of this order. If such appeal is preferred, the appellate authority, without reference to limitation and any further demand, shall entertain the same and dispose of it on its own merits. Till the disposal of the appeal by the appellate authority, the power supply of the petitioner S.C.No.865 shall not be disconnected, and the remaining balance amount payable

pursuant to the impugned demand also shall not be collected from the petitioner. However, it is open for the respondents to take steps for adjudication by the appellate authority. It is also made clear that if no such appeal is filed within the time stipulated above, it is open for the respondents to enforce the orders to collect the balance amount from the petitioner.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

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R.SUBHASH REDDY, J

21st June, 2005.

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Divisional Engineer, Electrical (Operation), Mahabubabad,

Warangal District.

2. The Superintending Engineer, Electrical (Operation), Warangal,

Warangal District.

3. Two CD copies.